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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
8 AT SPOKANE

9 BRENT THOMAS DODSON as
10 Personal Representative of the ESTATE
11 OF SHEILA DODSON; NATALIE
12 BROOKE BLYZES, individually;
13 BRENT THOMAS DODSON,
14 individually; JANE BRITT ANY
15 DODSON, individually; and MARY
16 REBECCA OTTEN,

17 Plaintiff,

18 v.

19 GREAT SPORTS, INC. an Illinois
20 Corporation, d/b/a
21 SAFERWHOLESALE.COM; JOHN
22 DOES1-10; and ABC
23 CORPORATIONS 1-10,

24 Defendants.

NO. 2:22-cv-00170

**NOTICE OF REMOVAL
OF CIVIL ACTION**

(Removed from the Spokane County
Superior Court of Washington, Case
No. 22-2-02058-32)

25 TO: CLERK OF THE COURT;

26 TO: THE PARTIES HEREIN; and

TO: THEIR COUNSEL OF RECORD:

1 Defendant Great Sports, Inc., by and through its undersigned counsel of
2 record, Timothy E. Allen, Matthew C. Halldorson, and Mullin, Allen & Steiner
3 PLLC, hereby give Notice of Removal of the above-captioned action from the
4 Superior Court of the State of Washington in and for the County of Spokane to the
5 United States District Court for the Eastern District of Washington (Spokane
6 Division) pursuant to 28 USC §§ 1332, 1441 and 1446. As grounds for removal,
7 Defendant states as follows:
8
9

10 1. On June 22, 2022, Plaintiffs filed a Complaint for Wrongful Death and
11 Personal Injury – Product Liability (“the Complaint”) in the Superior Court of the
12 State of Washington for the County of Spokane, under Case No. 22-2-02058-32.
13 Attached hereto as Exhibit A is a true and correct copy of the Complaint.
14

15 2. Plaintiffs did not allege a particular amount in damages in the
16 Complaint. They allege that the decedent incurred injuries on August 10, 2021, after
17 an incident riding a motorized tricycle and that she subsequently died on October
18 27, 2021. *See* Compl. at ¶¶ 4.14–4.18. Plaintiffs claim economic and non-economic
19 damages including pre-death pain and suffering, disability, loss of enjoyment of life,
20 and emotional trauma, in addition to loss of consortium for the decedent’s four
21 named beneficiaries. *See* Compl. at ¶¶ 8.2–8.6. Accordingly, Defendants have a
22 good faith belief that Plaintiffs are seeking damages in excess of \$75,000 in this
23 case.
24
25
26

1 3. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is being
2 timely filed within thirty (30) days of service of the Summons and Complaint.
3

4 4. This action is removable under 28 USC §§ 1332 and 1441(b) because
5 Plaintiffs are of diverse citizenship from all Defendants and the amount in
6 controversy exceeds \$75,000, exclusive of interest and costs.
7

8 5. Except as otherwise expressly provided by Act of Congress, any civil
9 action brought in a state court of which the District Courts of the United States have
10 original jurisdiction may be removed by the defendant(s) to the District Court of the
11 United States for the District and Division embracing the place where such action is
12 pending. 28 U.S.C. § 1441(a).
13

14 6. This Court has original jurisdiction over this action pursuant to 28
15 U.S.C. 1332(a)(1), which provides for original jurisdiction in cases in which there is
16 diversity of citizenship between parties and the amount in controversy exceeds
17 \$75,000.
18

19 7. Plaintiffs are citizens of the states of Washington, Georgia, and Texas.
20 *See* Compl. at ¶ 1.2–1.6.

21 8. Defendant Great Sports, Inc., is a company organized under the laws of
22 the State of Illinois with its principal place of business in the State of Illinois. *See*
23 Compl. at ¶ 2.1.
24

25 9. Plaintiffs and Defendant are of diverse citizenship.
26

1 10. The Defendant is not a citizen of the State of Washington.

2 11. Venue is proper in the United States District Court for the Eastern
3 District of Washington – Spokane Division because the state action is pending within
4 the district and a substantial part of the events giving rise to Plaintiffs’ claims
5 occurred in Spokane County, Washington.
6

7 12. This Court and Division embrace the place where the action is pending.
8 The United States District Court for the Eastern District of Washington, Spokane
9 Division, is the federal judicial district and division encompassing the Superior
10 Court of the State of Washington in and for the County of Spokane. 28 U.S.C. §
11 128(a).
12

13 13. Pursuant to 28 U.S.C. § 1446(d), Defendants will give written notice of
14 this Notice of Removal to Plaintiff and file a copy of the Notice of Removal with the
15 clerk of the state court.
16

17 WHEREFORE, based upon the foregoing and pursuant to 28 U.S.C. §
18 1441(b), the above-referenced action is removed from the Spokane County Superior
19 Court to the United States District Court for the Eastern District of Washington
20 (Spokane Division) for all further proceedings.
21

22 //

23 //

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25

1 DATED this 15th day of July 2022.

2 MULLIN ALLEN & STEINER PLLC

3
4 /s/ Timothy E. Allen

5 Timothy E. Allen, WSBA #35337

6 Matthew C. Halldorson, WSBA #51850

7 *Attorneys for Defendant Great Sports, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a true and correct copy of the foregoing upon counsel as follows:

Counsel for Plaintiff:

Brandon K. Batchelor
Russell & Hill, PLLC
3811-A Broadway
brandon@russellandhill.com

- ☐ Via U.S. Mail
- ☒ Via Email
- ☒ Via CM/ECF
- ☐ Via Legal Messenger
- ☐ Via Fax
- ☐ Via Overnight Delivery

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 15th day of July 2022.

MULLIN ALLEN & STEINER PLLC

/s/ Emily Boehmer
Emily Boehmer, Paralegal